UNITED STATES PATENT AND TRADEMARK OFFICE

/Ʈ

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,237	09/21/2001	Andreas Herkersdorf	CH9-2000-0019US1(590.082)	5867

35195   7590   08/16/2005

FERENCE & ASSOCIATES
409 BROAD STREET
PITTSBURGH, PA 15143

EXAMINER
VU, THONG H

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2005*.

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☒ None of:

　　　　1.☒ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

1.   Claims 1-16 are pending.

2.   This application has priority of EPO # 00120733.1 filed 9/22/2000. The certified

copy is not filed to record.

Response to Arguments

3.   Applicant's arguments filed 7/15/05 with respect to claims 1-16 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-16 are rejected under 35 U.S.C. 103(a) as obvious over Allen et al

[Allen, 5,422,821] in view of Westfall et al [Westfall, 6,449,650 B1].

5.   As per claim 1, Allen discloses a method for handling interactive information

exchange through networks having a plurality of client machines, the method

comprising the steps of:

composing a request message offering predetermined response options,

whereby corresponding response messages are returned through said networks in one

(or more) packet(s) [Allen, a forwarding rule of a database provides a menu to the

operator for possible choices, col 1 lines 37-57];

setting up packet forwarding rules in said networks specifying a particular

treatment for said returned packets dependent on said predetermined response options

[Allen, the operator selects from the menu of choices (or options) according to known

specified forwarding rules, col 4 line 56-5 line 12];

However Allen does not detail "sending said request message to said subset of

client machines."

In the same endeavor, Westfall discloses a control system for a data

communication network wherein the forwarding rules send the packets to the

processing device and a user selects the one of plurality service template [Westfall, col

3 lines 23-45; col 15 lines 30-67] and subnet address [Westfall, col 8 lines 50-60]

Therefore it would have been obvious to an ordinary skill in the art at the time the

invention was made to incorporate the forwarding rules with the user selections at

subnet location as taught by Westfall into the Allen's apparatus in order to utilize the

client-server communications. Doing so would extended the service to the subset of

clients over the subnet.

6.   As per claim 2, Allen-Westfall disclose an initial step of receiving a subscription

message from a subset of said client machines [Westfall, subnet address, col 8 lines

50-60].

7.   As per claim 3, Allen-Westfall disclose said request message is composed in that

said corresponding response message only consists of one packet as a design choice

of the response option [Allen, a forwarding rule of a database provides a menu to the

operator for possible choices, col 1 lines 37-57].

8.   As per claim 4, Allen-Westfall disclose said request message is composed in a

way that said chosen predetermined response options is encoded in a data portion of

said respective response packet [Allen, the operator selects from the menu of choices

(or options) according to known specified forwarding rules, col 4 line 56-5 line 12].

9.   As per claim 5, Allen-Westfall disclose said request message is composed in a

hypertext document format and a program that can be executed on the client machines

and composes said response messages upon an interaction of a user of a client

machine [Westfall, Web services, Fig 5A-5C].

10.   As per claim 6, Allen-Westfall disclose setting up forwarding rules includes the

step of configuring one or more routers that forward said response packets [Allen, the

operator selects from the menu of choices according to known specified forwarding

rules, col 4 line 56-5 line 12].

11.   As per claim 7, Allen-Westfall disclose configuring said routers includes the step

of instructing said routers to discard response messages containing predetermined

response options as a filter [Westfall, router configuration, col 2 lines 2].

12.   As per claim 8, Allen-Westfall disclose configuring said routers includes the step

of instructing said routers to forward response messages containing a certain response

option to a specified host connected to one of said networks [Westfall, router

configuration, col 2 lines 2].

13.   As per claim 9, Allen-Westfall disclose configuring said routers combine more

than one response messages arriving in a given time frame and to forward the

combined messages as one message [Westfall, router configuration, col 2 lines 2].

14.   As per claim 10, Allen-Westfall disclose configuring said routers includes the step

of instructing at least one of said routers to store the selected option of said response

options in conjunction with the identity of the sender [Westfall, router configuration, col 2

lines 2].

15.   As per claim 11, Allen-Westfall disclose configuring said routers includes the step

of instructing at least one of said routers to determine the amount of received response

messages for each response option [Westfall, router configuration, col 2 lines 2].

16.   As per claim 12, Allen-Westfall disclose the steps of receiving response

messages and sending a second request message only to client machines from which a

response message containing a certain response option was received .

17.   As per claim 13, Allen-Westfall disclose receiving response messages and

storing the options chosen grouped by said sending client machines [Allen, the operator

selects from the menu of choices (or options) according to known specified forwarding

rules, col 4 line 56-5 line 12].

18.   As per claim 14, Allen-Westfall disclose a computer program product stored on a

computer usable medium [Westfakk, CD-ROM, disk drives, col 13 lines 12-22].

19.   Claims 15,16 contain the similar limitations set forth of claim 1. Therefore, claims

15,16 are rejected for the similar rationale set forth in claim 1.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as anticipated by Jeffrey et al

[Jeffrey, 6,085,233].

20.   As per claim 1, Jeffrey discloses a method for handling interactive information

exchange through networks having a plurality of client machines [Jeffrey, Internet, col 9

line 16], the method comprising the steps of:

        composing a request message offering predetermined response options,

whereby corresponding response messages are returned through said networks in one

(or more) packet(s) [Jeffrey, any particular predefined sequence of modes or procedures, col 2 lines 25-34; packet of data, col 10 lines 56-61];

setting up packet forwarding rules [Jeffrey, the forwarding rule is set to simple, col 41 line 62-col 42 line 8] in said networks specifying a particular treatment for said returned packets dependent on said predetermined response options [Jeffrey, the forwarding rule may be specified, col 27 lines 1-15; the user views the outputs including the list of options and respond, col 46 lines 1-18];

sending said request message to said subset of client machines [Jeffrey, subnet, col 92 lines 46-60].

21.   As per claim 2, Jeffrey discloses an initial step of receiving a subscription message from a subset of said client machines [Jeffrey, subnet, col 92 lines 46-60].

22.   As per claim 3, Jeffrey discloses said request message is composed in that said corresponding response message only consists of one packet as a design choice of the response option.

23.   As per claim 4, Jeffrey discloses said request message is composed in a way that said chosen predetermined response options is encoded in a data portion of said respective response packet [Jeffrey, encoding information, col 5 line 67].

24.   As per claim 5, Jeffrey discloses said request message is composed in a

hypertext document format and a program that can be executed on the client machines

and composes said response messages upon an interaction of a user of a client

machine [Jeffrey, Internet, col 9 line 16].

25.   As per claim 6, Jeffrey discloses setting up forwarding rules includes the step of

configuring one or more routers that forward said response packets [Jeffrey, the

forwarding rule may be specified, col 27 lines 1-15].

26.   As per claim 7, Jeffrey discloses configuring said routers includes the step of

instructing said routers to discard response messages containing predetermined

response options as a filter [Jeffrey, router, col 9 line 16].

27.   As per claim 8, Jeffrey discloses configuring said routers includes the step of

instructing said routers to forward response messages containing a certain response

option to a specified host connected to one of said networks [Jeffrey, router, col 9 line

16].

28.   As per claim 9, Jeffrey discloses configuring said routers combine more than one

response messages arriving in a given time frame and to forward the combined

messages as one message [Jeffrey, router, col 9 line 16].

29.   As per claim 10, Jeffrey discloses configuring said routers includes the step of

instructing at least one of said routers to store the selected option of said response

options in conjunction with the identity of the sender [Jeffrey, router, col 9 line 16].

30.   As per claim 11, Jeffrey discloses configuring said routers includes the step of

instructing at least one of said routers to determine the amount of received response

messages for each response option [Jeffrey, router, col 9 line 16].

31.   As per claim 12, Jeffrey discloses the steps of receiving response messages and

sending a second request message only to client machines from which a response

message containing a certain response option was received [Jeffrey, the forwarding rule

may be specified, col 27 lines 1-15; the user views the outputs including the list of

options and respond, col 46 lines 1-18].

32.   As per claim 13, Jeffrey discloses receiving response messages and storing the

options chosen grouped by said sending client machines [Jeffrey, user group, col 61

lines 23-53].

33.   As per claim 14, Jeffrey discloses a computer program product stored on a

computer usable medium [Jeffrey, database 212,214, Fig 2].

34.   Claims 15,16 contain the similar limitations set forth of claim 1. Therefore, claims

15,16 are rejected for the similar rationale set forth in claim 1.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35.   Claims 1-16 are rejected under 35 U.S.C. 102(e) as anticipated by Owens et al

[Owens, 6,633,630 B1].

36.   As per claim 1, Owens discloses a method for handling interactive information

exchange through networks having a plurality of client machines [Owens, internet col 7

line 21], the method comprising the steps of:

composing a request message offering predetermined response options,

whereby corresponding response messages are returned through said networks in one

(or more) packet(s) [Owens, selects the forward options to define rules, col 3 lines 40-

57];

setting up packet forwarding rules [Owens, selects the forward options to define

rules, col 3 lines 40-57] in said networks specifying a particular treatment for said

returned packets dependent on said predetermined response options [Owens, the

message receiver selects options, col 7 lines 11-48; col 8 lines 26-42;col 9 lines 60-col

10 line 24];

sending said request message to said subset of client machines [Owens, group

of voicemail, email, fax mail, col 17 lines 55-62].

37.   As per claim 2, Owens discloses an initial step of receiving a subscription

message from a subset of said client machines [Owens, group of voicemail, email, fax

mail, col 17 lines 55-62].

38.   As per claim 3, Owens discloses said request message is composed in that said

corresponding response message only consists of one packet as a design choice of the

response option.

39.   As per claim 4, Owens discloses said request message is composed in a way

that said chosen predetermined response options is encoded in a data portion of said

respective response packet [Owens, reformat or conversions, col 2 lines 65].

40.   As per claim 5, Owens discloses said request message is composed in a

hypertext document format and a program that can be executed on the client machines

and composes said response messages upon an interaction of a user of a client

machine [Owens, Internet, col 7 lines 20].

41.   As per claim 6, Owens discloses setting up forwarding rules includes the step of

configuring one or more routers that forward said response packets [Owens, selects the

forward options to define rules, col 3 lines 40-57].

42.   As per claim 7, Owens discloses configuring said routers includes the step of

instructing said routers to discard response messages containing predetermined

response options as a filter [Owens, email gateway, col 6 line 12].

43.   As per claim 8, Owens discloses configuring said routers includes the step of

instructing said routers to forward response messages containing a certain response

option to a specified host connected to one of said networks [Owens, email gateway, col

6 line 12].

44.   As per claim 9, Owens discloses configuring said routers combine more than one

response messages arriving in a given time frame and to forward the combined

messages as one message [Owens, email gateway, col 6 line 12].

45.   As per claim 10, Owens discloses configuring said routers includes the step of

instructing at least one of said routers to store the selected option of said response

options in conjunction with the identity of the sender [Owens, email gateway, col 6 line

12].

46.   As per claim 11, Owens discloses configuring said routers includes the step of

instructing at least one of said routers to determine the amount of received response

messages for each response option [Owens, email gateway, col 6 line 12].

47.   As per claim 12, Owens discloses the steps of receiving response messages and

sending a second request message only to client machines from which a response

message containing a certain response option was received [Owens, group of

voicemail, email, fax mail, col 17 lines 55-62].

48.   As per claim 13, Owens discloses receiving response messages and storing the

options chosen grouped by said sending client machines [Owens, group of voicemail,

email, fax mail, col 17 lines 55-62].

49.   As per claim 14, Owens discloses a computer program product stored on a

computer usable medium [Owens, repository, col 7 lines 32].

50.   Claims 15,16 contain the similar limitations set forth of claim 1. Therefore, claims

15,16 are rejected for the similar rationale set forth in claim 1.

        Any inquiry concerning this communication or earlier communications from the
examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-
272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-
4:30PM.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the

organization where this application or proceeding is assigned is 571-273-8300
    Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval IPAIRI system. Status information for published
applications may be obtained from either Private PMR or Public PMR. Status
information for unpublished applications is available through Private PAIR only. For
more information about the PAIR system, see http://pair-direct.uspto.gov. Should you
have questions on access to the Private PAIR system, contact the Electronic Business
Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
Art Unit 2142